

Common Sense Legal Reform for Montana

To the Montana Legislature:

Montana's legal climate is holding our state back. The US Chamber of Commerce Institute for Legal Reform ranked Montana's legal climate the 43rd worst in the nation "in the fairness of its litigation environment." That's a distinction that we can ill-afford to maintain in coming years.

I'm writing to urge you to support two simple legal-reform proposals that have already been adopted in many other states. By doing so we can bring Montana's legal climate more in line with other states and level the playing field for Montana's small businesses.

Montana Should Join Other States in Limiting the Size of Appeal Bonds

In order to stay the execution of a judgment pending appeal, Montana law requires the defendant to post an "appeal bond" for the full amount of the judgment, plus estimated costs for the appeal and interest. This requirement endangers the fundamental right to appeal because most defendants cannot afford to post such a large sum. If a defendant cannot afford to post a bond in the amount required by Montana law, the defendant may be forced to file for bankruptcy in order to prevent the plaintiff from taking its assets during the appeal.

Montana is one of the few remaining jurisdictions with no limit on its appeal bond. Since 2000 at least thirty-eight states have enacted legislation or adopted rules to limit or waive an appeal bond. The bond limits range from \$1 million to \$150 million. Five other states automatically stay a judgment upon the filing of an appeal.

Please support the proposed legislation to adopt a two-tiered limitation on the size of appeal bonds. This legislation does not affect the plaintiff's ability to recover damages—if a jury's verdict is upheld on appeal, the defendant must pay the plaintiff the full amount.

Montana Should Adopt Legislation Changing its Exorbitantly High Judgment Interest Rates

Plaintiffs in Montana who win favorable verdicts are usually entitled to recover pre- and post-judgment interest on the damages awarded.

Unless otherwise agreed to by the parties in contract, Montana imposes a flat interest rate of ten percent, which vastly exceed today's market interest rates. Please support the proposed legislation that corrects this problem by adopting an interest rate equal to the prime rate set by the Federal Reserve plus one percent.

Montana should join the numerous states that have based their judgment interest rate on a fluctuating market rate instead of a flat rate. Doing so will ensure that interest awards are fair, reasonable, and consistent.

Together, these simple, straightforward, and fair legal reforms will improve our legal climate and help make Montana a better place to do business.

Signed,

MT Retail Assoc 1645 Park Hill Dr. #6
Billings MT 59102
NAME BUSINESS/AFFILIATION ADDRESS

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Donna Alexander Esq. MT Petroleum Marketers Assoc.

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BUSINESS/AFFILIATION

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PO Box 4

Helena MT 59624

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Signed, Ronda Wiggers, for

Great Falls Chamber of Commerce

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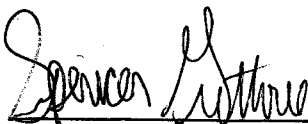
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WFIB
BUSINESS/AFFILIATION

4915 Park Ave
ADDRESS Helena, MT
59601

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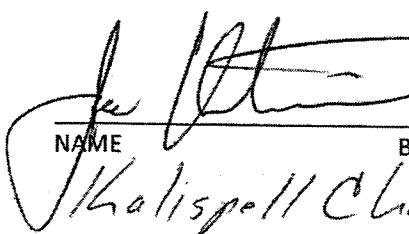
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 President 15 Depot Park, Kalispell, MT
Kalispell Chamber of Commerce

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Todd D. Hill

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Cloud Peak Energy

BUSINESS/AFFILIATION

Box 759 Helena MT

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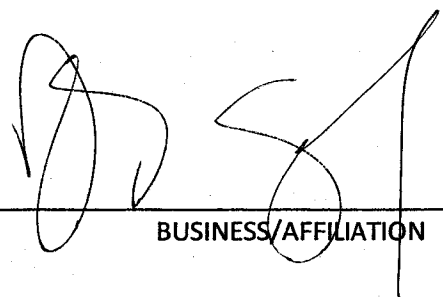
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